

### **REMARKS/ARGUMENTS**

Claims 1-7 are pending in the present application. Claims 1-7 have been rejected. Claim 1 has been amended. No claims have been canceled and no claims have been added. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

#### **Claims 1 and 3**

Claims 1 and 3 have been rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Martin (U.S. Patent No. 3,811,148). Applicants have amended independent claim 1 as set forth above. Applicants respectfully submit that claim 1, as amended, is not anticipated by the Martin reference for the reasons set forth below. Martin discloses a screw conveyor steamer. Martin's conveyor is a screw conveyor. The screw conveyor of Martin cannot control the position of each piece as it is being displaced through the screw conveyor. In contrast, as set forth in amended claim 1, the presently claimed method for cleaning produce uses a translating and rotating roller bed conveyor, which Martin fails to disclose or suggest. The presently claimed method includes the use of a bed conveyor that translates a series of rotating rollers whereby fruit placed on the conveyor bed is rotated while is being translated on the translating and rotating roller bed conveyor.

Furthermore, as set forth in amended claim 1, the presently claimed method for cleaning produce includes a steam pasteurization step that uses a plurality of steam nozzles arranged around the translating and rotating roller bed conveyor, wherein some of the steam nozzles are arranged off-center with respect to the translating and rotating roller bed conveyor and wherein the steam nozzles are configured to apply steam directly to an outer surface of produce on the translating and rotating roller bed conveyor. Martin discloses a series of orifices (15a) arranged on the inner jacket (15) of its screw conveyor. The inner jacket (15) in combination with the outer jacket (13) form an annular region which is in communication with the steam line (14). The steam being applied to the shell fish in the Martin reference merely bathes the shell fish in a steam bath that is fed by the annular-shaped region (e.g., manifold) via orifices in the inner shell of the screw conveyor. In stark contrast, the use of the claimed plurality of

steam nozzles in combination with the translating and rotating roller bed conveyor allows for the direct application of the steam to the outer surface of the produce, thus enabling an effective pasteurization while avoiding the overheating of the produce. Applicants respectfully submit that at least for these reasons, amended claim 1 is not anticipated by the Martin reference. Furthermore, Applicants respectfully submit that dependent claim 3, which depends from amended claim 1, and which includes all of the features and elements of amended claim 1, is also patentable for at least the same reasons as that of amended independent claim 1.

**Claims 2, and 4-7**

Dependent claims 2 and 4-7 have been rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Martin in combination with Ecker (U.S. Patent No. 6,148,989). Applicants respectfully traverse this rejection for the reasons set forth below.

First, Applicants respectfully submit that claim 1, as amended is patentable over the Martin reference for the reasons set forth above.

Second, Applicants respectfully submit that Ecker does not disclose or suggest a pasteurizer and as such it is a non-analogous reference, and thus a motivation to combine its disclosure with that of GB'541 is lacking. Assuming *arguendo* that a motivation did exist to combine Martin with Ecker, which it does not, the hypothetical combination would still not render amended claim 1 obvious.

Third, Applicants respectfully submit that the deficiencies of Martin are not overcome by the Ecker reference for reasons set forth below.

Ecker uses brushes with individual cavities and uses friction to rotate the fruit. The presently claimed invention acknowledges the deficiencies of using brushes and is thus distinguishable over brush-based systems. The presently claimed method for cleaning produce avoids the use of brushes. The presently claimed use of the translating and rotating roller bed conveyor, is distinctly different from the conveying cavities of Ecker.

Applicants respectfully submit that the cited references, taken alone or in combination, fail to disclose or suggest the presently claimed invention as is alleged in the Office Action. In particular, the cited references fail to disclose or suggest the claimed elements of the presently claimed method for using a translating and rotating roller bed conveyor and the

claimed surface pasteurization using a plurality of steam nozzles in combination with the translating and rotating roller bed conveyor, which allows for the direct application of the steam to the outer surface of the produce, thus enabling an effective pasteurization while avoiding the overheating of the produce.

At least for the above reasons, Applicants respectfully request the withdrawal of this section 103(a) rejection of claim 1.

Furthermore, Applicants respectfully submit that neither Martin, or Ecker or a hypothetical combination of these references as suggested by the Office Action disclose or suggest every element of amended claims 2 and 4-7. Applicants respectfully submit that dependent claims 2 and 4-7 which depend from amended claim 1, include all of the features and elements of amended claim 1. At least for this reason, Applicants respectfully submit that dependent claims 2 and 4-7 are patentable over Martin in combination with Ecker.

#### Claims 1-7

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) for allegedly being obvious over GB 2251541 (GB'541) in combination with Ecker (U.S. Patent No. 6,148,989). Applicants respectfully traverse this rejection for the reasons set forth below.

First, Applicants respectfully submit that claim 1, as amended is patentable over the GB'541 reference for the reasons set forth below. GB'541 does not disclose or suggest the claimed surface pasteurization. In contrast, GB'541 discloses a complete pasteurization process. Second, the kill mechanism of GB'541 is an indirect steam complete pasteurization process, whereas the presently claimed method is directed to a direct steam surface pasteurization process using the claimed plurality of steam nozzles. Third, product that is being pasteurized is a contained product, whereas the presently claimed method is directed to a direct steam surface pasteurization process of loose produce using the claimed plurality of steam nozzles. Fourth, the system of GB'541 uses a static conveyor, where the contained items are not rotated as they are translated on the GB'541 conveyor. In contrast, the presently claimed method uses a translating and rotating roller bed conveyor and a surface pasteurization using a plurality of steam nozzles in combination with the translating and rotating roller bed conveyor, which allows for the direct application of the steam to the outer surface of the loose produce that is rolled and translated on

the conveyor, thus enabling an effective surface pasteurization while avoiding the overheating or the complete pasteurization of the loose produce.

Furthermore, Applicants respectfully submit that the deficiencies of GB'541 are not overcome by the Ecker reference for reasons set forth below. First, Applicants respectfully submit that Ecker does not disclose or suggest a pasteurizer and as such it is a non-analogous reference, and thus a motivation to combine its disclosure with that of GB'541 is lacking. Assuming arguendo that a motivation did exist to combine GB'541 with Ecker, which it does not, the hypothetical combination would still not render the presently claimed method obvious.

Ecker uses brushes with individual cavities and uses friction to rotate the fruit. The presently claimed invention acknowledges the deficiencies of using brushes and is thus distinguishable over brush-based systems. The presently claimed method for cleaning produce avoids the use of brushes. The presently claimed use of the translating and rotating roller bed conveyor, is distinctly different from the conveying cavities of Ecker. Applicants respectfully submit that the cited references, taken alone or in combination, fail to disclose or suggest the presently claimed invention as is alleged in the Office Action. In particular, the cited references fail to disclose or suggest the claimed elements of the presently claimed method for using a translating and rotating roller bed conveyor and the claimed surface pasteurization using a plurality of steam nozzles in combination with the translating and rotating roller bed conveyor, which allows for the direct application of the steam to the outer surface of the loose produce that is rolled and translated on the conveyor, thus enabling an effective pasteurization while avoiding the overheating of the produce. At least for the above reasons, Applicants respectfully request the withdrawal of this section 103(a) rejection of claim 1.

Applicants respectfully submit that dependent claims 2-7 which depend from amended claim 1, include all of the features and elements of amended claim 1. Applicants respectfully submit that the combination of GB'541 and Ecker does not disclose or suggest every element of amended claim 1. At least for this reason, Applicants respectfully submit that dependent claims 2 and 4-7 are also patentable over the combination of GB'541 and Ecker.

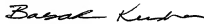
At least for the above reasons, Applicants respectfully request the withdrawal of this section 103(a) rejection of claims 2-7.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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